

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. CR 25-cr-1047 GBW
)	
PASCUAL JIMENEZ-SANTIZ,)	
)	
Defendant.)	

UNITED STATES' RESPONSE TO COURT'S ORAL ORDER

THE UNITED STATES OF AMERICA hereby responds to the Court's Order directing the United States to explain its reason for filing an amended information which removed the counts alleging a violation of 50 U.S.C. § 797 and 18 U.S.C. § 1382. ECF No. 10.

Defendant was arrested on April 27, 2025, and charged with one count of illegal entry contrary to 8 U.S.C. § 1325(a), one count of violation of a defense property security regulation contrary to 50 U.S.C. § 797, and one count of trespassing on military property contrary to 18 U.S.C. § 1382. The Complaint alleged that Defendant unlawfully crossed into the United States approximately eight miles west of the Santa Teresa, New Mexico Port of Entry. ECF No. 1. The Complaint further alleged that prior to Defendant's crossing, the Department of the Interior had transferred an approximately 60-foot strip of land along the United States/Mexico international border to the jurisdiction of the Department of the Army. This tract of land, referred to as the "Roosevelt Reservation" was then assigned to the United States Army Garrison Fort Huachuca, which designated it as a controlled and restricted National Defense Area (NM NDA).

On May 6, 2025, the United States filed an information, consistent with the Complaint,

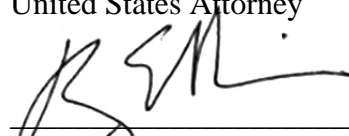
charging Defendant with one count of illegal entry, one count of violation of a defense property security regulation, and one count of trespassing on military property. ECF No. 5.

On or about May 15, 2025, the United States Attorneys Office learned from the United States Border Patrol that portions of the international border previously understood as encompassed by the NM NDA were not, in fact, transferred to the jurisdiction of the Department of the Army. Agents with the United States Border Patrol began reviewing previously filed complaints to identify cases in which there was insufficient evidence to conclude that the defendant crossed through the NM NDA. Once those defendants were identified, the United States filed amended informations removing the NM NDA-related charges.¹ Defendant Jimenez-Santiz was identified as one of these defendants.

Based on the foregoing, the United States filed the amended information in this case electing to proceed only on the 8 U.S.C. 1325(a) count due to insufficient evidence to proceed on the 50 U.S.C. § 797 or 18 U.S.C. § 1382 counts.

Respectfully submitted,

RYAN ELLISON
United States Attorney

A handwritten signature in black ink, appearing to read 'R. Ellison', is written over a horizontal line.

RYAN ELLISON
United States Attorney
District of New Mexico

¹ In cases in which informations had not been filed, the United States likewise moved to dismiss those counts.

I hereby certify that a true copy of the foregoing pleading was mailed/delivered to opposing counsel of record and to the United States Probation Office.

/s/

Filed electronically by
RYAN G. ELLISON